



# EXPEDITED RULE MAKING

**CR-105 (June 2004)**  
(Implements RCW 34.05.353)  
**EXPEDITED RULE MAKING ONLY**

**Agency:** Department of Revenue

**Title of rule and other identifying information:** *WAC 458-20-126 Sales of motor vehicle fuel, special fuels, and nonpollutant fuel* provides tax reporting information to persons selling motor vehicle fuel, special fuel (diesel), and nonpollutant fuel (propane).

## NOTICE

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO**

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**AND RECEIVED BY** July 7, 2008

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

Please see the attachment for a description of changes to the existing rule.

**Reasons supporting proposal:** To incorporate provisions of SSB 5009 (chapter 443, Laws of 2007) and E2SSB 5862 (chapter 223, Laws of 2007), and to reorganize the information in an easier to read manner.

**Statutory authority for adoption:**  
RCW 82.32.300 and 82.01.060(2)

**Statute being implemented:**  
RCW 82.08.0255, 82.12.0256, 82.08.865, and 82.12.865

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Date**

May 6, 2008

**Name**

Alan R. Lynn

**Signature**

**Title** Rules Coordinator

## CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** May 06, 2008

**TIME:** 11:12 AM

**WSR 08-10-076**

**Name of proponent:**  
Department of Revenue

☐ Private  
☐ Public  
☒ Governmental

**Name of agency personnel responsible for:**

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**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**  
None.

**Attachment for CR-105**  
**WAC 458-20-126 *Sales of motor vehicle fuel, special fuels, and nonpollutant fuel.***

This proposed rule has been reorganized and subsection titles have been added. The following explains where issues addressed in subsections in the proposed rule can be found in the current rule. Also noted are subsections that have been added to recognize legislative changes.

- The introduction (subsection (1)) has been added to provide an overview of what topics are covered.
- Information found in subsection (2) “*What are motor vehicle fuel and special fuels, and how are they taxed*”? can be found in subsection (1) and (1)(b) of the existing rule.
- Subsection (3) “*What motor vehicle fuel and special fuels exemptions are available*”? incorporates legislation granting exemptions (RCW 82.08.0255 and 82.12.0256) to (a) county owned ferries, county ferry districts, and (d) public transportation benefit areas. The exemptions in subsection (b) nonprofit transportation providers, (c) public transportation, and (e) special fuels used in interstate commerce are in subsections (1)(c), (d), & (e) of the existing rule. The exemption certificate for special fuel sales to interstate carriers is now available on the department’s Internet site, and the address has been provided. The requirement to renew the certificate at least every four years has been replaced with a provision for the certificate to apply for all sales transactions as long as the seller has a “recurring business relationship” with the buyer per RCW 82.04.470 and 82.08.050.
- Subsection (3)(f) has been incorporated due to SSB 5009, chapter 443, Laws of 2007, that exempts farm fuel users from retail sales and use taxes for diesel and aircraft fuel purchased for nonhighway use (RCW 82.08.865 and 82.12.865). The department’s Internet site address has been provided for obtaining a copy of the “Farmers’ Retail Sales Tax Exemption Certificate” which should be used for this exemption.
- Subsection (4) “*Nonpollutant fuels*” incorporates existing subsection (2), (2)(a), (b), (c), (d), (e), (f), and information from RCW 82.38.075. The department’s Internet site address is included for obtaining the “Certificate for Purchase of Nonpollutant Special Fuels.”
- The contents of subsection (5) “*Refunds are available for fuel taxes paid when fuel is consumed off the highway*” can be found in subsection (1)(f) of the existing rule.

Copies of draft rules are available for viewing and printing on our website at:  
<http://dor.wa.gov/content/FindALawOrRule/RuleMaking/agenda.aspx>